

Introduction

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Human beings, if only to maintain a semblance of self-respect, have to be persuaded. Their consent must be sustained by opinions. The few who govern take care to nourish these opinions. No easy task, for the opinions needed to make the many submit to the few are often at variance with observable fact. The success of government thus requires the acceptance of fictions Government requires make believe. Make believe that the king is divine, make believe that he can do no wrong or make believe that the voice of the people is the voice of God. Make believe that the people *have* a voice or make believe that the representatives of the people *are* the people. Make believe that the governors are the servants of the people. Make believe that all men are equal or make believe that they are not.

–Edmund Morgan, *Inventing the People*

WORLD ON THE THRESHOLD

“Here in America, the people would rule.” Speaking in the Capitol’s Statuary Hall on January 6, 2022, that is how the incumbent president of the United States, Joe Biden, characterized what he called the “experiment that would change the world,” undertaken by the nation’s founders, “imperfect as they were.” He was commemorating the first anniversary of the day on which an insurrectionary mob, incited by his predecessor, had stormed that very building. One widely circulated video from January 6, 2021, captures a confrontation at a temporary barrier, during which someone from the crowd addressed the Capitol police: “You guys gotta follow the constitution. You know we’re right.” Later, inside the building, the crowd chants, “Whose house? Our house!,” and a poster proclaims, “Save USA. Stop the steal. Stop the fraud.” The American flag, in its official form as well as in modified versions common on the far right, flew alongside the “Blood-Stained Banner” – the Stars and Bars – of the Confederacy. Other photos and videos show gallows erected on

the Capitol grounds and the crowd calling in unison for the execution of Mike Pence, then vice president of the United States, who at that very hour had been presiding over a joint session of Congress convened to certify the Electoral College vote.

The events of January 6, 2021, were a deliberate and coordinated effort to prevent a peaceful transfer of power, a fundamental principle of democratic government. And yet the “Stop the Steal” movement did not reject democracy or its underlying principle of popular rule. Rather, the insistent claim – supported by no evidence, disproven by investigative journalism, and repeatedly invalidated in courts of law – was and has been that the election of 2020 was stolen, the choice of the people subverted. The fundamental question laid bare by the events of January 6, 2021, is not whether the people should rule, as Biden implied, but rather, what this means and what it entails.

This question encompasses, among other things, the laws, rules, and norms that structure the formalized rituals of self-government – such as the election that was disputed on January 6th; the legal battles that have followed, which are part of an ongoing struggle over who has the right to vote and who holds the privilege of counting the votes; and a range of other governmental and civic functions through which the identity of a people is contested and reconstituted, and through which its self-governance is tested and reconceived. In the aftermath of January 6th, this last category has included congressional and criminal investigations; journalistic deep dives and competing narratives; ongoing disputes over local, state, and federal jurisdiction; grassroots organizing; heated confrontations over educational curricula at school board meetings; extensive academic analysis; and countless conversations, more and less contentious, among family, friends, colleagues, acquaintances, and even occasionally among strangers, about what precipitated the violent spectacle at the Capitol and what is to be done now. On display in these various institutional and deliberative activities is popular sovereignty at work, even as the whole scenario also constitutes, in the words of a previous president of the United States, a new test of whether that particular instantiation of a sovereign people can long endure.

No less important, and no less contested, than the deliberative spaces and rule-governed rituals of popular sovereignty is its iconography. The spectacle of an overwhelmingly white, predominantly male crowd carrying the “Blood-Stained Banner” of the Confederacy through the hallways of “the people’s house” on January 6th made vividly apparent that what was at issue that day was intimately connected to a different spectacle that had also transfixed public attention only a few months earlier. In the spring of 2020, throughout the United States, and indeed throughout the world, statues were falling. In Richmond, Virginia, in Birmingham, Alabama, and elsewhere in the southern states, monuments to the confederacy were being toppled in massive protests against racism and police brutality. In Philadelphia, Pennsylvania, a statue honoring former mayor Frank Rizzo – a champion of the city’s police department

who had urged Philadelphians to “vote white”¹ – was removed by the city, in response to the clear determination of protestors to do so themselves. Monuments to Christopher Columbus – once erected to mark the presence of Italian Americans in the nation’s story – were also taken down, in protest against the expropriation and decimation of indigenous peoples.² In Portland, Oregon, protestors struck at the core of American national mythology, as statues of George Washington and Thomas Jefferson came tumbling down.

The iconoclasm was not confined to the United States. In Antwerp, Belgium, a statue of King Leopold II was removed by the city after it had been set ablaze. In the United Kingdom, memorials to persons associated with colonialism or enslavement became targets. The statue of Edward Colston – a merchant, philanthropist, and slave-trading member of parliament – was dumped into Bristol Harbour. Monuments of Winston Churchill were by turns threatened and defended as competing factions asserted different versions of British history. Altogether, more than 150 statues, monuments, plaques, busts, and murals were either physically removed or slated for removal between May and June 2020 alone. The visual narratives of these nations’ histories and identities were being rewritten, extra legally in some cases and in response to extra-institutional popular actions in others.

Nor was this exclusively a matter of tearing down monuments. In the Indian state of Gujarat, the authoritarian Prime Minister Narendra Modi had recently unveiled the largest statue in the world, a towering likeness of Sardar Vallabhbhai Patel, who played a key role in integrating the princely states into an independent India. Opponents accused Modi and his ruling Indian People’s Party (BJP) of appropriating the legacy of Patel for their nationalist, anti-Muslim agenda. In Istanbul, the Justice and Development Party (AKP) celebrated the completion of the world’s largest mosque and then resacralized the Hagia Sofia, both acts designed to situate the new authoritarian regime within a longer imperial history and to efface the assertions of its twentieth-century authoritarian republican rival.³ In Hungary, the Memorial for Victims of the German Occupation established by Victor Orban’s government prompted repeated denunciations for its attempt to absolve the Hungarian state for any role in the Holocaust.⁴ And then, of course, there was “the Wall,” a perpetual promise in Donald Trump’s campaign speeches, which was gradually being erected along the southern border of the United States, even as its functional irrelevance became ever more apparent.⁵

¹ Heller, “He Once Told Philadelphia to ‘Vote White.’”

² Kubal, *Cultural Movements and Collective Memory*, Chapter 6; McKevitt. “Christopher Columbus as Civic Saint.”

³ Batuman, “Architectural Mimicry.” See also Koelle, “Recep Tayyip Erdogan’s Use of Symbols”; Jamaledine, “Hagia Sophia Past and Future.”

⁴ Euractiv.com, “Controversial Monument”; Željka, “Erect a Memorial – Erase the Past.”

⁵ On the reemergence of walls, see Brown, *Walled States, Waning Sovereignty*.

Widen the historical focus a bit further, to the end of the twentieth century, and we see another period of dramatic transformations in public iconography, as innumerable monuments were razed, and others erected, in the years that followed decolonization, the fall of the Soviet Union, the tearing down of the Berlin Wall, and the advance of liberal democracy.⁶ At first glance, what may seem most salient are the differences between that period and the present moment. It had seemed for many that the end of the Cold War and the democratization of former authoritarian regimes in Eastern Europe and Latin America pointed toward liberal constitutionalism as a culmination of modern history and the inevitable realization of democratic principles. Even if tanks rolled in Tiananmen Square, their very presence seemed to gesture as much to the fragility of the Chinese regime as to its dominion. In academic and policy-making circles, Western-type liberal democracy increasingly appeared as the only legitimate system of government.

Thirty years later, the story may seem very different: liberal democracy in crisis, threatened by forms of populist politics and authoritarian leaders who reject the institutional strictures of liberal constitutionalism as illegitimate constraints on the will of a purportedly unified “people.”⁷ On closer inspection, however, one finds deep continuities between the democratizing ruptures of 1989 and today’s crises of liberal democracy. What links these events, years, and even decades apart – the raising and felling of public monuments throughout the world, a violent attack on the Capitol by citizens hoping to stop the peaceful transition of power in the United States in 2021, or, for that matter the armed defense of a capital by the citizens of Ukraine in 2022 – are fundamental tensions *within* the idea of a sovereign and self-governing people.

At the heart of the present volume is the proposition that the concept of popular sovereignty provides a vital heuristic for understanding much of contemporary politics. Today’s debates over the rise of populism, the spread of authoritarianism, the future of liberalism, the legitimacy of regime change, the definition of international borders, and the regulation of the global economy are contingent manifestations of a deeper set of questions that connects the upheavals of the past few years with this much longer history, questions as pertinent now as they were in 1989, and at other turning points in modern history – 1945, 1918, 1789, 1640 – and perhaps even long before that.

These deeper questions, concerning the identity, composition, character, authority, and agency of the people, are central to the logic of popular sovereignty: Who is – who are – the people? How is the story of a people told and

⁶ See Whitling, “*Damnatio Memoriae*”; Marks, “Statue of King George III.”

⁷ Vormann and Weinman, *Emergence of Illiberalism*, 5; Graber, Levinson, and Tushnet, *Constitutional Democracy in Crisis*; Levitsky and Ziblatt, *How Democracies Die*; Ginsburg and Huq, *How to Save a Constitutional Democracy*; Weyland and Madrid, *When Democracy Trumps Populism*.

transformed and re-presented in public discourse and in civic iconography? What does it mean for a people to exercise sovereign self-rule? What *is* government “of the people, by the people, and for the people”? Taken as a whole, the present volume makes clear that many of the political crises of our time, and the anxieties to which they give rise, are the result of tensions inherent in any attempt to realize the ideal of democratic self-government.

POPULAR SOVEREIGNTY AND CONTEMPORARY CHALLENGES TO DEMOCRACY

Adopting popular sovereignty as an analytical framework brings into focus connections and interrelations between disparate political phenomena that may be obscured or overlooked when the different aspects are treated in isolation.⁸ To see this point, let us consider two vibrant fields of research: globalization and populism.

Seeing globalization within the framework of popular self-government, we are better able to identify and evaluate the ways in which it impinges on the sovereignty of the nation-state and threatens the integrity of democratic rule. As political and economic integration has advanced, decision-making authority has shifted away from national governments and into the realm of international bodies such as the European Union or Bretton Woods institutions.⁹ The result has been what is often referred to as a “democratic deficit” or “democratic erosion,” as citizens feel alienated from supranational policymakers and inadequately represented by their nationally elected governments.

⁸ The substantial literatures on democratic deficits, democratic backsliding, realignment, and political polarization; on the growing salience of “identity politics”; or, most expansively, on the rise of populism, have largely sidestepped any engagement with popular sovereignty, except insofar as it is treated as a rhetorical weapon wielded by populists in their assault on democracy’s institutions. Lieberman et al., *Democratic Resilience*; Lee and McCarty, *Can America Govern Itself*; Nicholson, *Identity Before Identity Politics*; Bermeo, “On Democratic Backsliding”; Daly, “Democratic Decay”; Weyland and Madrid, *When Democracy Trumps Populism*; Müller, *What Is Populism?*; Kaltwasser and Mudde, *Populism: A Very Short Introduction*; Kaltwasser et al., *The Oxford Handbook of Populism*; Corduener, “The Populist Conception of Democracy”; Gerbaudo and Screti, “Reclaiming Popular Sovereignty.”

⁹ The literature on globalization is extensive and diverse. Examples that suggest the range of approaches include: Norris, *Democratic Deficit*; Føllesdal and Hix, “Why There Is a Democratic Deficit”; Weiler, Haltern, and Mayer, “European Democracy”; Rodrik, “Past, Present, and Future of Economic Growth,” and for alternative perspectives on the European Union’s democratic deficit in particular, see Zweifel, “Who Is Without Sin,” Moravcsik, “Is There a Democratic Deficit” and “Reassessing Legitimacy”; Majone, “Europe’s Democratic Deficit”; Kelemen, “Europe’s Other Democratic Deficit.” Lupel, *Globalization and Popular Sovereignty*, is a noteworthy exception to the general rule that work on globalization and economic liberalization has largely disregarded questions of popular sovereignty.

A recent contribution in this vein, *The Emergence of Illiberalism*, advances the thesis that diverse forms of democratic erosion in various parts of the world have as their root cause the global ascendance of a particular form of liberalism – so-called neoliberalism – that stands for the ideology and practice of promoting economic globalization.¹⁰ The editors of that volume argue that, ignoring the social and ultimately political consequences of the rise of inequality, the champions of neoliberalism have neglected political democracy in the name of a form of economic freedom. It is a powerful argument that resonates with other analyses that have diagnosed the trade-offs produced by global economic liberalization.¹¹ It is noteworthy that it has often been the more illiberal regimes that have prompted and/or benefited from neoliberal policies.¹² It is noteworthy, also, as the contributors to *The Emergence of Illiberalism* maintain, that neoliberal globalization threatens not only to limit and alter the economic policy options available to nation-states, but to undermine the feeling of social obligation necessary to sustain a sense of collective identity or peoplehood. Rising inequality frays the social bonds, while the commodification of the public realm, as Karl Polanyi noted decades ago, invites a reaction that can easily be channelled in illiberal directions.¹³

The thesis of *The Emergence of Illiberalism*, while potent and accurate in its broad strokes, nevertheless reproduces a familiar contention that illiberalism is an aberration. It is seen as issuing from a misguided neglect of the political or of economic conditions most supportive of liberal democracy, such as a general level of economic equality or a sense of shared social community. Yet, the claim that the rise in inequality encouraged by neoliberal policies has prompted those on the losing end to embrace illiberalism sidesteps a more fundamental question: *Whose* inequality is at stake? Economic inequality has not risen in a uniform pattern. As defenders of globalization have been quick to point out, it has declined precipitously on the global scale when measured between countries, even as it has risen within most countries.¹⁴ The social patterning of economic inequality, and the opportunities available for persons of different backgrounds, have also changed in many countries, as explicit discrimination on the basis of race or other ascriptive characteristics have declined. Changes

¹⁰ Vormann and Weinman, *The Emergence of Illiberalism*.

¹¹ Rodrik, “Past, Present, and Future of Economic Growth”; Brown, *Undoing the Demos and In the Ruins of Neoliberalism*; Sassen, *Losing Control?*

¹² Authoritarian rulers such as Modi in India or Erdogan in Turkey have in many ways followed in the footsteps of late twentieth-century Latin American populists in their embrace of neoliberal reforms. Roberts, “Neoliberalism and the Transformation of Populism”; Weyland, “Neoliberal Populism.”

¹³ Polanyi, *The Great Transformation*; Brown, *In the Ruins of Neoliberalism*.

¹⁴ Disparities between countries, and between global regions, have been reduced and global poverty by most metrics has dropped to an unprecedented degree, even as most countries have seen an increase in domestic inequality. Piketty, *Capital and Ideology*, 26; Milanovic, *Global Inequality*.

in inequality look different depending on the scale, the unit of comparison, and its material or civic form, and they will be experienced differently depending on which imagined communities or objects of social identification are taken as the frame of reference. Reduced inequality at the global level – which defenders of globalization say often goes unacknowledged – might be experienced by some as national decline. Increased inequality within a state might be less visible or politically salient than the relative changes in social standing and opportunity between groups.

Once we begin to ask, “whose inequality?,” we push past the question of the economic requisites for liberal democracy into the more fundamental terrain of peoplehood. The defense of neoliberal globalization as an equalizing agent, for instance, can rest on a reconsideration of which subjects are most deserving of public sympathy and have the greatest claim to its solicitude in achieving social and economic equality. The gains of the global south and the reduction of humanity-wide poverty might be worth the relative losses experienced within any particular country. From this perspective, critiques of neoliberalism that prioritize the problem of rising inequality within the boundaries of the nation-state can be denounced as manifestations of illiberal populisms, if not outright chauvinistic nationalisms, that deliberately conceal how the limited equality that had constituted older constructions of particular “peoples” rested on global inequality. Then again, seen from the other side, the proponents of neoliberalism may be castigated as “globalists” who undermine the capacity of any state or people to create the economic and social conditions needed for local equality or to define any meaningful sense of local community. They might likewise be faulted for an inability to envision any broader solidarity, global or local, beyond market relations and the mutual interests of a global elite. That globalization not only reworks the capacity of the state to act in a global world, but also the self-understanding of “the people” and the foci of its aspirations and allegiances, is perhaps nowhere more evident than in the continued resonance of this framing of “globalists” versus “populists.”¹⁵

The challenges posed by neoliberalism and globalization, then, are much more than just the rise in inequality, the fraying of a domestic social compact, or the decline in the sovereign authority of the state. The deeper issues, in our view, inhere in the very idea of popular self-rule. Again, who are the people? What do they owe each other, and what do they owe other peoples? What does it mean for any particular people to govern itself in our globalized world? What forms of political organization are capable of reconciling peoplehood, with its seemingly intrinsic exclusiveness, and sustained popular agency, with its reliance on liberal institutions and procedures? These are fundamental questions of popular sovereignty, understood here not as an ideological conviction or a rhetorical device, but as a heuristic frame for analyzing political life.

¹⁵ Haidt, “When and Why Nationalism Beats Globalism.”

Seen in this way, it makes more sense why neoliberalism and globalization might foster an illiberalism aptly characterized as “populist,” which simultaneously proclaims the restoration of the people’s rule while redefining the boundaries of the people.¹⁶ This too is a field of study in which neglecting popular sovereignty as a foundational concept has come at an analytical cost. While the literature on populism is vast and varied, much of it focuses either on defining the phenomenon or on assessing its relationship to democracy.¹⁷ Some accounts portray populism as anti-democratic, others portray it as pro-democratic, but both tend to operate within a shared theoretical frame.¹⁸ Populism becomes an aberration, or, for its defenders, an aspiration, but in both cases, it is different from the normal workings of liberal democratic politics as this has evolved over the course of the last century and a half. As Rogers Brubaker argues in a recent survey of the literature, populism – in contrast to nationalism – has been “cast in a reactive rather than generative role, assigned a particular rather than a universal significance, analysed as episodic rather than enduring, located primarily at the periphery rather than the centre and seen as deviant or pathological rather than normal.” It is the “shadow” or “mirror” of democracy.¹⁹ Political theorists too often treat populism as a contingent feature, a threat to, or an opportunity for democratic politics, rather than, as we believe, a structural feature, integral to the history and development of popular sovereignty.²⁰

Consider how claims are asserted in the rhetoric of populism. As Brubaker shows, one may discern two distinct dimensions in populist discourse: one vertical, pitting an “ordinary” people against a powerful elite or a despised underclass; the other horizontal, marking out some bounded political community, often defined along a putatively ethnonational axis, against whatever portion of the local or global population is deemed to be outside of it. Precisely because of the polysemic character of “the people,” distinct populisms can easily and generatively blend these dimensions, even as they place greater stress on one

¹⁶ The “populist” reaction, along with the end of the unipolar moment and the resurgence of national belligerence, has increasingly led observers to ask whether globalization is again coming to an end. Posen, “The End of Globalization.”

¹⁷ For the former, see Mudde, “The Populist Zeitgeist.” For the latter, see Mouffe, “The Controversy over Left-Wing Populism,” *For a Left Populism*, and *The Democratic Paradox*; De Cleen and Stavrakakis, “Distinctions and Articulations”; Stavrakakis et al., “Extreme Right Wing Populism in Europe”; Riofrancos, “Populism Without the People” and “Reclaiming Populism”; Frank, “Populism and Praxis”; Critchlow, *In Defense of Populism*; Bugarcic, “Could Populism be Good.”

¹⁸ But for nuanced accounts, see Kaltwasser, “The Ambivalence of Populism” and Canovan, “Trust the People!”; Stankov, *Political Economy of Populism*.

¹⁹ Its occurrence has nonetheless come to be seen as “endemic ... in modern democratic settings.” Brubaker, “Populism and Nationalism,” 47–49; Canovan, “Trust the People!”; Panizza, *Populism and the Mirror of Democracy*. In a lecture at the Andrea Mitchell Center for the Study of Democracy, Mudde argues similarly that “populist politics is here to stay. It is no longer ‘episodic’ or ‘niche,’” a development which he argues is due to structural transformations in society rather than part of the intrinsic logic of popular sovereignty. Mudde, “Populism in the Twenty-First Century.”

²⁰ On this point, see Kelly, “Populism and the History of Popular Sovereignty.”

over the other. While some have sought to distinguish populist rhetoric as lying along the horizontal or the vertical dimension, with the accompanying political valences of left-populism or right-populism, Brubaker persuasively argues that much of populism's rhetorical strength lies in its tight interweaving of these dimensions, such that they can become mutually constitutive: Those on the top or bottom are easily shifted outside the boundaries of the "nation" altogether.²¹

What is important for our purposes is that the discursive constructions of populism are fundamentally about defining the boundaries of "the people." Even formulations that might appear to refer to inequalities among a given people – the elite, the wealthy, the poor, or dependent – become metrics of community difference and outsider status. Like other forms of so-called identity politics, populist claims-making "is located at the juncture of the politics of inequality and the politics of identity, where questions about who gets what are constitutively intertwined with questions about who is what."²²

Such claims, which we have suggested are also at stake in debates over globalization, lie at the heart of popular sovereignty. Again, we propose the concept as a heuristic lens through which to see more clearly how the political consequences of the rise and reordering of inequality emerge within a broader matrix in which the understanding of who "the people" are and why they are a people is always being contested and redefined. With this perspective, we see that the fundamental questions at play – who gets to vote, who gets elected, who is represented in the iconography and rituals of the state, who is the beneficiary of its public policies, and who has standing to define or contest these policies on the basis of claims to authority that precede the state – are regularly answered with reference to the shifting contours of the civic and cultural boundaries of "the people."

In our view, populist claims-making, like other forms of identity politics, should be seen as part of a family of peoplehood projects – composing a new people, "restoring" an old one, or redefining the people in terms of constitutive groups that are themselves the product of their own political projects.²³ As such, populism is not aberrational to democratic politics nor inherently opposed to it but a manifestation of a logic intrinsic to popular sovereignty. The very conditions for democratic politics are the establishment and ongoing construction of a "people," the ritualistic insistence that it is the repository of sovereignty, and the perpetual specter of some outside force usurping this authority.²⁴ Popular sovereignty means rule by the people, and any politics

²¹ Brubaker, "Populism and Nationalism."

²² Brubaker, "Populism and Nationalism," 56.

²³ Smith, *Stories of Peoplehood and Political Peoplehood*; Bateman, *Disenfranchising Democracy*.

²⁴ Mundane political statements that "the government has lost the support of the people, and must resign," or "the president's policies are opposed by the American people," not only reproduce the sovereign authority of the people but also imply that their targets, if they refuse to resign or persist with their agenda, may rightly be considered usurpers.

grounded on this claim, whether committed to formal democratic institutions or anti-institutionalist in emphasis, will inevitably invite contestation over the question, who is, or who are, the people? Whether occurring in the foreground or background, populist people-making is but a particular style of addressing popular sovereignty's foundational questions and responding to its constitutive imperative.

Studying issues such as globalization and populism through the frame we propose would facilitate the correlation of disparate explanatory strands, most notably economic and identity-based accounts of the appeal of illiberal populism, which are often pursued separately and with seeming disregard for one another. Such correlation permits us to see more clearly that the effect of neoliberal globalization is likely to be mediated through its impacts on political authority within particular communities, and on the conditions that sustain a belief in a particular people bound together in a meaningful way.

Despite their very different political projects, reactions on both the right and the left to globalized neoliberalism have in recent years increasingly invoked "the people" as a rhetorical trope and a legitimizing authority. "The people" is the basic unit of political authorization in the contemporary world, and its composition and self-understanding, as well as the scope of authority that inheres in its civic representation, are continually thrown into question by geopolitical transformations. Seen in this light, it is only natural that political entrepreneurs would seek to build their own projects by taking advantage of, and even intensifying, instability in the boundaries, character, and authority of the people. Popular sovereignty is a standing invitation to do so, however much contingent events and processes might make it more or less attractive to accept.

AIMS AND STRUCTURE OF THIS VOLUME

Taken as a whole, the present volume proposes that the resonance and endurance of popular sovereignty as a concept owes at least as much to the contestable and revisable character of any construction of peoplehood as to the role that such constructions often play in attempts to unify polities and stabilize regimes. The continuing vitality of popular sovereignty, then, does not derive from the simplicity of, or any unanimity about, its denotation.²⁵ We suggest rather that it is the ambivalence and tension within the concept, its contested

²⁵ Most important recent scholarship has sought to historicize popular sovereignty, or has instead turned to other, perhaps less ambivalent, concepts. For historical accounts, see Bourke and Skinner, *Popular Sovereignty in Historical Perspective*; Kalmo and Skinner, *Sovereignty in Fragments*. For discussions of popular sovereignty's ambivalences, whether inhering in the "popular" or "sovereignty" element, see Kalyvas, "Popular Sovereignty, Democracy, and Constituent Power"; Wallach, "Sovereignty"; Loughlin and Walker, *The Paradox of Constitutionalism*; Taylor, "Dynamics of Democratic Exclusion"; Yack, "Popular Sovereignty and Nationalism"; Whelen, "Democratic Theory and the Boundary Problem"; Espejo, "Paradoxes of Popular Sovereignty"; Gorup, "Strange Fruit of the Tree of Liberty." See also Badiou et al.,

status, and even its inherently fictive character – to adopt Edmund Morgan’s language – that best accounts for its continuing vitality. As Alan Keenan has argued, “democratic politics renders everything provisional and open to question,” including the foundational questions of “who are the people,” why are they this people and not another, and to what end do they hang together and govern.²⁶ The question of the constitution and identity of “the people” cannot be closed, not only because events will always raise it anew but because democratic politics is, at its core, a perpetual contestation over that very question.

Our aim in this volume has not been to defend or critique popular sovereignty as a doctrine, but rather to illustrate its potency and value as a conceptual framework. In another sense, however, our approach evinces a commitment to the view that elements of liberal democratic institutions are essential for realizing popular self-rule in the contemporary world, and conversely, that a nuanced understanding of self-governance and a robust and textured sense of how it is actualized is the only guarantor of liberal democratic ideals. We believe that to make liberal democracy more resilient, better able to withstand the forces pressing against it, it is necessary to cultivate practices that facilitate collective self-rule. These include encouraging forms of civic engagement that cross polarized divides, and that build mutual trust between individuals and between different communities, thus promoting a sense of belonging and participation in a shared conversation about who “the people” is and what it means for the people to rule. We intend for this volume, in its modest way, to exemplify and to foster the kind of collective inquiry, intellectual pluralism, and vibrant debate that is necessary for the success of any such project of popular self-governance.

Correspondingly, we believe it is a primary task of educational and research institutions – and of teachers and scholars – in liberal democracies to foster the habits of thought and conversation that sustain civic discourse. In that spirit, this book aims to cultivate, by example, the capacity to link large theoretical questions of the kind that students often encounter in introductory courses with the methodological rigor that comes with greater specialization. We also intend for the volume to display and nurture a sensibility that encompasses both the speculative and interpretative acumen traditionally honed by an education in the humanities with the more empirically and quantitatively oriented

What is a People? Examples of concepts that might recover some of the vitality and emancipatory promise of popular sovereignty include “constitutive power,” Judith Butler’s collective performative enactments, Sheldon Wolin’s “fugitive democracy,” Paulina Ochoa Espejo’s “the people as process,” Michael Hardt and Antonio Negri’s “multitude,” as well as Jason Frank’s attention to popular agency over popular identity or Patchen Markell’s reinterpretation of the practice of popular “rule” in Hannah Arendt. Kalyvas, “Constituent Power”; Frank, *Constituent Moments* and “Populism and Practice”; Butler, “We the People”; Wolin, “Fugitive Democracy” and *Democracy Incorporated*; Espejo, *The Time of Popular Sovereignty*; Hardt and Negri, *Multitude and Empire*; Markell, “The Rule of the People.”

²⁶ Keenan, *Democracy in Question*, 10.

approaches of the sciences. Finally, we have deliberately sought to include a diversity of philosophical and political orientations, underscoring the importance of fostering debate across ideological divides.

Ultimately, the theoretical underpinnings and the practical aspirations of our work are mutually implicated. Insofar as we aim to promote vigorous interrogation of and robust debate about political life, we are in effect promoting the work of popular self-rule as practiced in liberal democracies. In a healthy liberal democracy, such interrogation and debate are the essence of popular sovereignty in action.

The chapters that follow are divided into three parts. Part I explores the conceptual *foundations* of popular sovereignty, examining through close engagement with seminal texts certain key features and constitutive tensions within the concept of popular rule. The opening chapters share a methodological affinity and a common desire to illuminate inherent tensions within popular sovereignty that are manifest at various times and places.

The tensions introduced in a predominantly theoretical mode in Part I are explored from a variety of empirical lenses in Part II's *practices and contestations*. Two questions in particular animate the chapters in this section. The first regards the extent to which popular regimes rely on a fiction of underlying unity, despite ineradicable plurality; and the kinds of practices, institutions, and ideologies that sustain commonality and difference. The second question pertains to the complex relationship between popular sovereignty and liberalism, and how the tension between unity and pluralism is manifest in this conjunction.

Given the findings of Parts I and II regarding the dilemmas inherent in popular sovereignty as a principle of legitimation, the third part synthesizes these insights and proposes a set of *responses*. Crucially, these responses – while adapted to contemporary circumstances and the specifics of how our authors interpret the multiple challenges facing us today – collectively aim to revitalize aspects of popular sovereignty that have in one way or another been neglected. Addressing the fundamental practical question: What is to be done?, these chapters describe institutions and practices that may help sustain a healthy liberal democracy.

The volume concludes with a conversation between the editors and the social movement scholar Hahrie Han that embodies the dialogical ethos that has informed the conception and creation of the book and that is at the heart of our theoretical and practical commitments. Han's work illuminates connections between grassroots organizing and fundamental questions of popular sovereignty. She asks how people can most effectively act in concert to improve their situations, and what capacities movements must cultivate to successfully negotiate differences and to exercise power and hold the powerful accountable. With this dialogical epilogue, we aim to model the kind of conversation that we hope our book will inspire among scholars, students, and citizens.

RECURRING THEMES, ENDURING QUESTIONS:
A CONVERSATION ACROSS THE VOLUME

While the epilogue to *When the People Rule* records an actual conversation, the volume also stages throughout its chapters a set of implicit, interlocking conversations among the contributors that are focused on recurring themes and questions, several of which we highlight below. The overarching discussion that emerges is not limited to a particular disciplinary perspective, nor does it purport to present an exhaustive or comprehensive articulation of popular sovereignty as a concept. Rather, it aspires to exemplify the kind of multifaceted, open-ended, ongoing debate that, we maintain, is vital to popular self-rule in a plural society.

Legitimacy

Popular sovereignty is often taken to be the paradigmatically modern mode of political legitimation. It is, in the words of Charles Taylor, “the regnant legitimacy idea of our time.”²⁷ By contrast, in a seminal passage from *Democracy in America* that is taken up by several authors in this volume, Tocqueville writes that “the principle of the sovereignty of the people ... is more or less found at the base of nearly all human institutions” but that it “ordinarily remains there as if buried.” Not merely modern, popular sovereignty for Tocqueville is an inherent aspect of all political life. Whether or not this is true, it is certainly the case that while explicit statements of popular sovereignty were the exception in premodern times, virtually all states in the contemporary world profess to derive their legitimacy from the consent of the governed. Why and how this has come to be the case is an explicit focus in several of the following chapters, and an implicit concern in most of them.

One may make a distinction here between a descriptive and a normative conception of legitimacy. The former focuses on the explicit stories that nations and governments tell about themselves. Questions that emerge in this context include whether it is in fact true that a given regime derives its right to rule from the consent of the governed, and how the principle of popular self-rule is operationalized. In other words, what are the preconditions necessary for the practical realization of the sovereignty of the people in any given context? The chapters by Ioannis Evrigenis, Richard Boyd, and Ewa Atanassow, for example, are each concerned with popular sovereignty as a principle of legitimacy in this descriptive sense.

One may also speak of legitimacy in a *normative* sense, entailing the proposition that governments *should* derive the authority to rule from the consent of the governed, regardless of whether or not any particular regime actually does so. Tocqueville alludes to such a normative claim when he dismisses those

²⁷ Taylor, “Identity and Democracy.”

who would maintain that from the “fact of obedience” comes “the right to command.” The legitimate right to command, in this normative sense, would have to be grounded in something other than the power to compel obedience or cater to popular demands. The question of whether, and if so how, a legitimate right to rule can be established on different grounds is paramount here. Elizabeth Markovitz maintains that Sophocles’ *Oedipus Tyrannus* illustrates precisely the “ambiguous boundaries” between “legitimate and illegitimate authority.” Thomas Bartscherer, meanwhile, argues that Plato’s *Republic* brings to light a paradox at the heart of the idea of popular sovereignty regarded as a legitimating principle. If it is not to be rooted in the doctrine that might makes right, the concept of popular sovereignty – the idea that authority rests with the many in aggregate and not, say, with an expert few – must itself be legitimized and persuasively defended by reasoned argument. And yet by what criteria, and by whom, is the argument in favor of the legitimacy of popular rule to be adjudicated?

Peoplehood

The concept of popular sovereignty implies an actually existing people. Yet, this simple, even tautological assertion, introduces a set of highly contested questions, among them: Is the existence of a distinct and delimited “people” a prerequisite for self-rule, or is it the activity of self-rule that constitutes a people in the first place? What is the principle of unity that defines a people? What degree and kind of similarity is necessary? What degree and kind of difference is tolerable? Is plurality, of some kind or degree, not only inescapable but also necessary for the possibility of popular self-rule? In English “the people” is tellingly both singular and plural. The phenomenon of peoplehood is similarly both plurality and unity. Discussing Hobbes’s *Leviathan*, Richard Boyd calls attention to this ambiguity. The people for Hobbes implies a double claim: that the multitude of citizens forms one coherent unity; and also that the people form *a* people, one among many human collectivities possessed of a specific personality. Both of these aspects – the unifying, equalizing force of *the* people as one, and the distinctiveness of *a* people in relation to the multitude of peoples – are foundational for Hobbes’s pioneering conception of popular sovereignty.

Yet, how does a people come to be? And does peoplehood exist outside of the institutions that claim to comprehend the people and be authorized by them? Ira Katznelson, Ornit Shani, and Daniela Sarnoff address these questions historically with reference to three emblematic modern polities: the early American republic, revolutionary France, and modern India. Underscoring the extraordinary sociological diversity of the early American republic, Katznelson argues that a combination of institutional pluralism and security threats helped to forge and sustain the American Union in its first decades. By contrast, increasingly assertive claims to popular sovereignty ended up straining the

political bond to a breaking point. In Shani's account, a pluralism even more extraordinary (ethnic-linguistic, religious, social, institutional) characterized the Indian polity at its founding moment. That a constitutional democracy took root in India, against the backdrop of such variegation, flies in the face of democratic theory and calls for a deeply contextual exploration, with evident contemporary relevance. Sarnoff revisits the birth pangs of French republican nationhood in order to analyze the recurrent need for symbolic reenactment of this original moment. By focusing on three strikingly analogous and yet diverse moments in modern French history, she shows how and why this need can be mobilized to very different ideological and political ends.

If a regime of popular sovereignty requires a people, in a liberal polity popular identity is continually contested and renegotiated, as H. Abbie Erler argues. Erler shows how citizenship and immigration laws on the one hand, and redistributive policies and political rhetoric on the other, project images of the people and often lead to its contestation and reshaping. The volume as a whole reflects on a diverse range of people-making processes: through legislation and policy making in the chapters by Erler, Carol Nackenoff, and Julia R. Azari and Alexis Nemecek; through education and civic initiatives in the chapters by Nicole Mellow and Andrew Perrin, and Adam Davis; and through rhetorical practices and theoretical interventions in the chapters by Alvin Tillery and Rogers Smith. All of these contribute to ongoing efforts to imagine, scrutinize, and continuously refashion the meaning of "We the People."

Fiction and Storytelling

In his influential study on the origins of popular sovereignty, quoted at the epigraph for this introduction, Edmund Morgan observes that the success of government requires "the acceptance of fictions."²⁸ Morgan is quick to note that the term "fiction" is not meant pejoratively. The fictions considered are not deficient alternatives to some putatively factual or true account. They are constitutive of democratic aspirations; and aspirations by definition stand at some distance from lived reality.

As discussed by Evrigenis in his chapter, examples of fictions in this sense include the myth of autochthony and natural hierarchy characterized by Plato's Socrates as a "noble lie," as well as the stories told by Hobbes, Locke, and Rousseau about the state of nature and the social contract. The concept of fiction invoked in this and other chapters is capacious, and as a rule, not deprecatory. Evrigenis, for his part, argues that the need for fiction is apparent regardless of the type of political regime, and that this in turn raises important issues for the study of popular sovereignty. Chief among them is the question of whether the very idea of "a people" ought to be understood as a fiction.

²⁸ Morgan, *Inventing the People*, 13.

Richard Boyd explores the ways in which both the idea that there is “a people” and that it is in some sense self-ruling may be usefully understood to be fictions: first, that a given community coheres as a polity that is distinct, in the relevant sense, from other communities; and second, that sovereignty is vested not in some subset of the community, but in the whole of it. Boyd’s chapter investigates how these fictions interact, and whether one may be regarded as a precondition for the other. While one set of questions, discussed across several contributions, pertains to the fictional character of the very concept of popular sovereignty, another set arises with regard to what we may consider ancillary fictions – the stories that polities tell about themselves and that sustain specific arrangements of popular self-rule. Modern liberal democracies, composed of enfranchised individual citizens largely liberated from traditional moral authorities, face the twin dangers of social atomization and civic irresponsibility on the level of the individual. As a result, these regimes, Evrigenis maintains, will require a kind of civic storytelling that promotes individual responsibility as well as social solidarity and cohesion.

Alongside these theoretical contributions, the chapters by Matthew Longo, Rogers Smith, and Adam Davis examine how the need for fiction is met (or not met) in practical terms. Probing the distance between center and periphery, and the disparities in democratic citizenship that result from geographic location, Longo’s empirical study shows that closer to the border democratic equality and popular sovereignty look increasingly like “mere fictions” that clash with the actual reality of surveillance and heteronomous, unaccountable authority that often operates “not in the name of peripheral citizens but against them.” Smith examines the elite-driven “stories of peoplehood” that are crafted by political parties and leaders to unite and mobilize the populace. Looking at the American context, he analyzes the possibility of inclusive and liberal accounts of American peoplehood that may be deployed to counter the authoritarian populist narratives that have gained traction in recent years. Davis, by contrast, takes a bottom-up perspective. Beginning with the premise that self-rule depends on self-understanding, he asks how a “scattered, mobile and manifold public may ... recognize itself” and thereby “define and express its interests.” He turns to concrete attempts to facilitate the sharing of stories within particular American communities as a means to establish the shared understanding, and self-understanding, necessary for self-government.

Populism

Several of the chapters in this volume wrestle with populism as a phenomenon and a concept, whose meaning, analytical value, and normative valence remain the subject of ongoing dispute. Problematizing the established definition of populism as “*a thin-centered ideology that posits a struggle between the will of the common people and a conspiring elite*,” the volume’s contributors examine the particular facets and functions of populism’s appeal,

and the sources of its power.²⁹ One central question is whether populism is a pathology or rather the norm of democratic life. For Julia R. Azari and Alexis Nemecek, populism is as elusive as it is ubiquitous. In a certain sense all democratic politics is necessarily populist that is, seeking popular support and mobilizing grievances and antagonisms to promote change. Against this general and generic understanding, what is usually labeled as populism is a political message or movement that engages in a particularly acrimonious or polarizing version of political combat, or promotes specific kinds of antagonisms.

Alvin Tillery's chapter reexamines the #BlackLivesMatter (BLM) movement in the context of the struggle for racial equality, and how this struggle shapes the organization, content, and conflicts of Black politics. By asking whether BLM is a populist movement, and how this movement positions itself vis-à-vis a highly diversified Black community, Tillery explores the vanguard of anti-racist activism in today's USA and its position in American society at large. Rogers Smith argues that populist movements gain popularity not only because of their polarizing features (pitting people against elites) or because they play on economic and cultural anxieties, but also thanks to a positive message: the story they tell about the identity and dignity of the people. Such stories are an indispensable element of democratic rule. Not simply rejecting such stories but telling better – truer, more complex, and more liberal ones – is, Smith contends, the way to combat the kind of illiberal populism that we see ascendant today.

The contributors broadly agree that to be democratic, politics must be popular: seeking a broad-based appeal but also communicating a vision of the people. To be liberal, on the other hand, politics must be suspicious of power and its corrupting effects. Both of these – a positive valuation of the people, and a suspicion or critique of the powers that be – are elements of populism, and can be harnessed for divisive and polemical ends. What crystallizes disruptive “populist moments” is a particular strand of politics that pitches itself against an already established understanding of popular identity and power in order to contest both the meaning of the people and who gets to define and interpret that meaning.³⁰

Practices and Institutions

The difference between the populism inherent in all democratic regimes and one that acts to subvert a democratic order is located less in populist appeals – often indistinguishable from standard democratic rhetoric – and more in their relationship to institutions. The subversive kind of populist politics is often

²⁹ Hawkins, Read, and Pauwels, “Populism and Its Causes,” 268; Mudde, “Populist Zeitgeist,” 544.

³⁰ Mouffe, *For a Left Populism*.

beholden to what Max Weber called charismatic leadership.³¹ Fixated on the leader, and promoting informal practices of personal rule, it directs itself not only against the political establishment – “the swamp” – but against the institutions themselves, and the routinization of political life they imply. Subversive populism does so in the name of reviving or restoring the rule of the people. It is not surprising, therefore, that historically as well as today, efforts to resist populist forays have doubled down on defending the institutions, and constitutionalism more broadly: the system of checks and balances, the value of due process, and the rule of law.³² Institutions, however, as Steven Levitsky and Daniel Ziblatt diagnose in *How Democracies Die*, are not self-sufficient.³³ To work, they require elite adherence to a specific set of critical norms of mutual toleration and forbearance. Others have argued more broadly that to function well democratic institutions must stand on a deeper moral foundation, what Tocqueville called the “habits of the heart,” that is, the widespread outlooks and customary understandings of the nature and purpose of political life, and of the community that is its locus. In this light, the social practices that shape these understandings emerge not only as another dimension but a key site for liberal democratic politics.

The importance of institutions and practices, from the governing elite all the way down to a highly personal level of citizens’ interactions, is discussed across several of the contributions, perhaps most explicitly in the volume’s concluding section. Next to Carol Nackenoff’s analysis of the courts and their uneasy yet essential place in democratic politics, the chapters by Nicole Mellow and Andrew Perrin and by Adam Davis examine the role of undergraduate education and civil society initiatives, respectively, in shaping civic ideas and generating vital experiences that can build connections and understanding across social and political divides. Rogers Smith, meanwhile, argues that populist success can be studied to devise strategies for liberal recovery. His contribution calls attention to the kind of discursive and rhetorical practices that may help shape or reconstitute “We the People” and which, alongside institutions, are centrally important for maintaining democratic freedom.

Liberalism Versus Democracy

The polemical invocation, in recent years, of illiberal democracy have raised urgent questions about the relationship between liberalism and democracy.³⁴ Several of the chapters explore this fraught relationship, a subject that is perhaps most explicitly the focus of contributions by Ira Katznelson, Ewa Atanassow,

³¹ Weber, *Theory of Social and Economic Organization*.

³² Zuckert, “Populism and Our Political Institutions.”

³³ Levitsky and Ziblatt, *How Democracies Die*.

³⁴ Plattner, “Illiberal Democracy”; Applebaum, “Illiberal Democracy Comes to Poland”; Isaac, “Is There Illiberal Democracy?”; Müller, “The Problem with ‘Illiberal Democracy.’”

David Bateman, and Carol Nackenoff. Each of these authors adopts a historical perspective, reminding us that the perceived frictions between these principles has been a recurring subject of political and intellectual inquiry for centuries. The tensions between liberalism and democracy, however, manifest in distinctive forms across each of the chapters. For Nackenoff, it appears in the form of the so-called counter-majoritarian difficulty, that is, the problematic status of judicial review within a democratic order. Nackenoff explores this difficulty, as well as some of the more prominent efforts to resolve it, through an analysis of judicial rulings in the United States, where she also draws our attention to what might be its inverse, namely, the inadequacy of electoral or representative-based political institutions to protect core democratic rights. For Atanassow, the tension is explored at a more conceptual level, through an analysis of how it was recognized and elaborated, to opposite effects, by two of liberal democracy's most insightful critics, Alexis de Tocqueville and Carl Schmitt. Bateman's chapter engages in a form of comparative history in order to better understand earlier efforts to reconcile liberalism and democracy by prioritizing and securing the values of one over the other. Katznelson argues that in the surprising triumph of popular sovereignty in the early American republic, a form of liberal institutionalism sustained the notion of a unified and actively sovereign people despite substantial pluralism, and also set boundaries on forms of democratic political action that might destabilize the balance required for this people to exist.

One advantage of situating the most recent upsurge of illiberal populisms within these longer histories is that it invites us to distinguish the separate logics of liberalism and democracy, and their inherent potential to diverge. Some historical moments – such as the late-Cold War, and the period immediately following its resolution – might encourage a synthesis between the principles.³⁵ Others might facilitate efforts – including those by some of today's authoritarian populists, but also by some of their critics – to juxtapose the two and frame them as inherently antagonistic foundations of political authority.³⁶ Particular circumstances might make the fit between liberalism and democracy appear more or less seamless. But to take such a congruence as the normal state of affairs ignores both the longer historical patterns as well as their distinctive logics.

In short, none of the contributors who touch upon this theme adopt the position that liberalism and democracy are immanent to each other, or that one encompasses the other. Their different contributions make clear, however, that while the tensions between liberalism and popular rule are real and cannot be resolved at the level of conceptual abstraction, the principles are not so easily disentangled or juxtaposed as some populists or their critics might suggest.

³⁵ Berman, *Democracy and Dictatorship in Europe*.

³⁶ Corduener, "Populist Conception of Democracy," 423; Grzymala-Busse, "Foreword," xix; Abts and Rummens, "Populism versus Democracy."

It is therefore important not only to retain the conceptual distinction between liberalism and democracy, but also to treat them as perhaps intrinsically tethered concepts. Any regime that does not adhere to at least some core liberal commitments will become, sooner or later, a burlesque of popular sovereignty. And yet any regime that is organized around the principle of popular sovereignty will inevitably find this principle in conflict with other principles, whether these are embedded in its constitutional order, or are valued as important by the governing elite or the majority of the people. The logic of either popular sovereignty or liberalism, pushed to their extremes, carries with it the potential to capsize both.

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When the People Rule proposes that the central political question of our time concerns the meaning of popular sovereignty. Most other political questions will accordingly be better understood if we attempt to articulate, or at least think through, their relationship to the issues that this central concept raises. Doing so, as we have been arguing, requires that one give an account of both peoplehood and of self-governance. However, both terms denote concepts that are inherently contested, as is evident in the following chapters. It is in fact our contention that it is only in and through robust debate about the meaning of popular sovereignty, conducted by a diverse assembly of voices, that this key concept can attain any real meaning.